



Attorney's Docket No.: 13804-002001 / HH/MC/P71774US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ian Richard Aldred
Serial No. : 10/039,280
Filed : January 2, 2002
Title : DETECTOR DEVICE

Art Unit : 2632
Examiner : Son Tang

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY TO DECISION ON PETITION AND TRANSMITTAL OF COMBINED
DECLARATION AND POWER OF ATTORNEY**

Responsive to the Decision on Petition dated April 29, 2005, Applicant hereby states that the above-identified application claiming the benefit of an earlier filing date was filed on or after November 29, 2000 and was filed within 12 months of the filing of the foreign application.

Applicant hereby encloses a proper Declaration that identifies the foreign application for which priority is claimed.

Applicant hereby claims that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional.

A check in the amount of \$65.00 is enclosed for the surcharge fee for a late Declaration. Please apply any charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket Number 13804-002001.

06/30/2005 EFLORES 00000017 10039280

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65.00 OP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

June 27, 2005

Date of Deposit

Melissa Kruggel

Signature

Melissa Kruggel

Typed or Printed Name of Person Signing Certificate

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Respectfully submitted,



Frank R. Occhiuti
Reg. No. 35,306

Date: JUNE 27, 2005
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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www.uspto.gov



Fish and Richardson PC
225 Franklin Street
Boston, MA 02110

Docketed By Practice Systems
Action Code: <u>Reg Recv/der</u>
Base Date: <u>4/29/05</u>
Due Date: <u>6/29/05</u>
Deadline: <u>6/29/05</u>
Initial: <u>MIC</u>

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APR 29 2005

OFFICE OF PETITIONS

In re Application of
Ian Richard Aldred
Application No. 10/039
Filed: January 2, 2002
Attorney Docket No. 13804-
002001/HH/MC/P717

Docketed By Billing Secretary
Due Date: <u>6/29/05</u>
Deadline: <u>6/29/05</u>
Initials: <u>MIC</u>

DECISION ON PETITION
UNDER 37 CFR 1.55(c)

This is a decision on the petition under 37 CFR 1.55(c), filed June 21, 2004, for acceptance of an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of the filing date of foreign Great Britain Application No. 0130324.7, filed December 19, 2001.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (ADS) (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The instant pending nonprovisional application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

The pending nonprovisional application was filed on January 2, 2002, which is after November 29, 2000 and within 12 months of December 19, 2001 (the filing date of the foreign application to which benefit is now being claimed). However, petitioner has not provided an executed oath/declaration or an ADS, which identifies the foreign application for which priority is claimed by application number, country and filing date.

Since an executed oath/declaration or an ADS that identifies the foreign application for which priority is claimed has not been received, the petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority under 35 U.S.C. § 119(a)-(d) is **DISMISSED**.

The claim for priority cannot be accepted until a proper oath/declaration or ADS is submitted to the Office.

The application will remain in the Office of Petitions for TWO (2) MONTHS to await petitioners' reply to this decision. If a reply is not received within TWO (2) MONTHS of the mailing date of this decision, the priority claim will be considered waived, and the application will be referred to Technology center 2600 for continued prosecution.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (703) 872-9306.

Any inquiries directly pertaining to this matter may be directed to Marianne Jenkins at (571) 272-3223.

Frances Hicks
Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy